



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
---------------	-------------	-----------------------	---------------------

07/822,043 01/17/92 STRACKE

M	EXAMINER
---	----------

HUFF, S

ART UNIT	PAPER NUMBER
----------	--------------

29/0

DATE MAILED:

07/15/94

### NOTICE OF ALLOWABILITY

#### PART I.

- ☒ This communication is responsive to paper no. 27 (filed 6/24/94).
- ☒ All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- ☒ The allowed claims are 18, 20, 22.
- ☐ The drawings filed on \_\_\_\_\_ are acceptable.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received. ☐ not been received. ☐ been filed in parent application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_.
- ☒ Note the attached Examiner's Amendment.
- ☒ Note the attached Examiner Interview Summary Record, PTOL-413.
- ☒ Note the attached Examiner's Statement of Reasons for Allowance.
- ☒ Note the attached NOTICE OF REFERENCES CITED, PTO-892.
- ☐ Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

#### PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☒ APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
  - ☒ Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto ~~or to Paper No.~~ WAVE CORRECTION IS REQUIRED.
  - ☐ The proposed drawing correction filed on \_\_\_\_\_ has been approved by the examiner. CORRECTION IS REQUIRED.
  - ☐ Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
  - ☒ Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

#### Attachments:

- ☒ Examiner's Amendment
- ☒ Examiner Interview Summary Record, PTOL-413
- ☒ Reasons for Allowance
- ☒ Notice of References Cited, PTO-892 + reference
- ☐ Information Disclosure Citation, PTO-1449

- ☐ Notice of Informal Application, PTO-152
- ☒ Notice re Patent Drawings, PTO-948
- ☐ Listing of Bonded Draftsmen
- ☐ Other

HOWARD E. SCHAIN



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: Box ISSUE FEE  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

FOLEY & LARDNER  
SUITE 500  
3000 K STREET, N.W.  
WASHINGTON, DC 20007-5109

18M2/0715

**NOTICE OF ALLOWANCE  
AND ISSUE FEE DUE**

- ☐ Note attached communication from the Examiner  
☐ This notice is issued in view of applicant's communication filed \_\_\_\_\_

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/822,043	01/17/92	003	HUFF, S	1811 07/15/94
First Named Applicant STRACKE, MARY				

TITLE OF INVENTION: MOTAXIN: MOTILITY STIMULATING PROTEIN USEFUL IN CANCER DIAGNOSIS  
(AS AMENDED)

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 92382	530-326.000	C66	UTILITY	NO	\$1170.00	10/17/94

**THE FEE DUE IS THE AMOUNT IN EFFECT AT THIS TIME. IF THE AMOUNT OF THE ISSUE FEE INCREASES PRIOR TO PAYMENT, APPLICANT WILL BE NOTIFIED OF THE BALANCE OF ISSUE FEE DUE.**

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.**

**PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

- I. Review the SMALL ENTITY Status shown above.  
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:
  - A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the patent and Trademark Office of the change in status, or
  - B. If the Status is the same, pay the FEE DUE shown above.
- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.
- III. All communications regarding this application must give series code (or filing date) and serial number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to contrary.

If the SMALL ENTITY is shown as NO:  
A. Pay FEE DUE shown above, or  
B. File verified statement of Small Entity Status before, or with, pay of 1/2 the FEE DUE shown above.

**IMPORTANT REMINDER: Patents Issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

Serial Number: 07/822043

Art Unit: 1811

-2- 

**Part III EXAMINER'S AMENDMENT**

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Courtney Brinckerhoff on 7/13/94.

2. The application has been amended as follows:

- a. Please cancel claims 1-2, 7-15, 19 and 21.
  - b. In claim 18, lines 2-3, please delete "or a fragment of said protein".
  - c. In claim 18, line 10 please delete "each of".
  - d. In claim 18, line 11 please delete "and said fragment".
  - e. In claim 20 change "claim 19" to --claim 18--.
  - f. In claim 22 please replace "The polypeptide of claim 21, wherein said fragment [contains] comprises" with --A polypeptide comprising--.
  - g. In claim 22, please insert --wherein an antibody suitable for immunohistochemical staining of cancerous human tissue can be raised to said polypeptide-- after "33".
  - h. in the title of the invention (in all occurrences) please delete "and therapy".
- 53

Serial Number: 07/822043

-3-

Art Unit: 1811

3. The following is an Examiner's Statement of Reasons for Allowance:

a. The specification was objected to for the use of the peptides in cancer therapy. On page 16 lines 1-7 of the specification applicant discloses the use of an antibody against autotaxin to be conjugated to Ricin A and this can be used in cancer therapy. Ricin is well known in the art to have anti-tumor properties and can be used in cancer therapy (see Merck Index, 11th Edition, p. 1307). Therefore, it is the Examiner's position that applicant is disclosing a use which is already well known in the art.

b. The rejection of claim 22 was overcome by applicant's deletion of Seq. ID No 2 (thus "X" is no longer claimed) and because of the argument that specification be written to enable the claimed invention. In this instance, this argument is acceptable because "X" is adequately defined for the specification but not for the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela J. Huff whose telephone number is (703) 305-7866. The examiner can

Serial Number: 07/822043

-4-

Art Unit: 1811

normally be reached on Monday-Thursday from 8:30am to 6:00pm.  
The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Hill, can be reached on (703) 308-4314. The FAX phone number for this Group is (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Sheela J. Huff  
July 13, 1994

HOWARD E. SCHAIN  
SENIOR LEVEL EXAMINER  
GROUP 1800

*Howard E. Schain*